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Charles J. Meyer
Woodard, Emhardt, Naughton
Moriarty & McNett
111 Monument Circle, Suite 3700
Indianapolis, Indiana 46204-5137

In re Application of
Anthony David Kilvert
Application No.: 09/646,261
PCT No.: PCT/GB98/03741
Int. Filing Date: 14 December 1998
Priority Date: 12 December 1997
Attorney's Docket No.: 7372-2
For: IMMOBILISER DEVICE

DECISION ON
PETITION UNDER
37 CFR 1.137(b)

This is in response to the "Petition For Revival of an International Application for Patent Designating the U.S. Abandoned Unintentionally Under 37 C.F.R. § 1.137(b)" filed on 11 September 2000.

BACKGROUND

On 14 December 1998, this international application was filed, claiming an earliest priority date of 12 December 1997. A copy of the international application was transmitted to the United States from the International Bureau on 24 June 1999.

On 12 July 1999, a Demand electing the United States was filed in this international application. Accordingly, the deadline for paying the basic national fee in the United States under 35 U.S.C. 371 and 37 CFR 1.495 was 12 June 2000. This international application became abandoned with respect to the United States at midnight on 12 June 2000 for failure pay the basic national fee.

On 11 September 2000, applicant filed in the United States Patent and Trademark Office (PTO) the instant petition, and a transmittal letter for entry into the national stage in the U.S. under 35 U.S.C. 371, which was accompanied by, *inter alia*, the U.S. basic national fee, and an executed declaration.

DISCUSSION

A grantable petition to revive an abandoned application under 37 CFR 1.137(b) must be accompanied by (1) the required reply, unless previously filed. In a nonprovisional application abandoned for failure to prosecute, the required reply may be met by the filing of a continuing application; (2) the petition fee as set forth in § 1.17(m); and (3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to this paragraph was unintentional. The Commissioner may require additional information where there is a question whether the delay was unintentional; and (4) any terminal disclaimer (and fee as set forth in § 1.20 (d)) required pursuant to paragraph (c) of this section.

Petitioner has provided: (1) the proper reply by submitting the basic national filing fee, (2) the petition fee set forth in §1.17(m) and (3) the proper statement under 137(b)(3). In this application, no terminal disclaimer is required.

Accordingly, the petition is deemed to satisfy requirements (1), (2), (3) and, (4) under 37 CFR 1.137(b).

DECISION

The petition under 37 CFR 1.137(b) is **GRANTED**.

This application is being returned to the United States Designated/Elected Office (DO/EO/US) for continued processing, including according the application a 35 U.S.C. 371 date of **11 September 2000**.



Leonard Smith
PCT Legal Examiner
PCT Legal Office



Rafael Bacares
PCT Legal Examiner
PCT Legal Office
Tel: (703) 308-6312
Fax: (703) 308-6459